

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

**In the Matter of :
The Maine Public Utilities Commission's :
Petition for Additional Authority to :
Implement Number Conservation Measures :**

NSD File No. L-99-27

DA 99-638

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**JOINT COMMENTS OF THE
PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE
AND THE
MAINE PUBLIC ADVOCATE OFFICE**

CC DOCKET: 96-98

I. Introduction

The Pennsylvania Office of Consumer Advocate ("OCA") and the Maine Public Advocate Office ("OPA") hereby submit these Comments concerning the Maine Public Utilities Commission's Petition for Additional Delegated Authority to Implement Number Conservation Measures ("Maine Petition") as submitted to the Federal Communications Commission ("FCC") Common Carrier Bureau on March 17, 1999. The OCA and OPA are designated by respective state law to represent public utility ratepayers before federal agencies, state and federal courts and their respective Public Utility Commissions. The OCA and OPA are actively involved in representing consumer interests in telecommunications issues in these venues. In particular, the OCA has represented the National Association of State Utility Consumer Advocates in the Number Resource Optimization Working Group in drafting the North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Methods which was submitted to the Common Carrier Bureau on October 21, 1998 and is therefore intimately familiar with the issues contained in the Maine

Petition.¹ The OCA and OPA submit these Comments to support the Maine Petition which the FCC summarized in the Public Notice of April 1, 1999 as follows:

On March 17, 1999, the Maine Public Utilities Commission ["MPUC"] filed a petition requesting the Commission delegate to the MPUC additional authority to implement various number conservation measures. Petitioner requests that the Commission grant it the authority to: (1) establish number assignment guidelines and utilization standards; (2) order interim unassigned number porting; and (3) order thousand-block pooling.

Petitioner recognizes that efforts are underway at the national level to address some of the issues discussed; however, immediate action is necessary at the state level to protect consumers from unnecessary expense and confusion. Petitioner states that the MPUC is in the best position to evaluate the specific circumstances in Maine and establish competitively-neutral criteria for the acquisition and utilization of number resources until the Commission promulgates specific requirements. Petitioner further states that the measures are necessary to ensure that sufficient numbering resources are available to all carriers actually providing facilities-based services within a specific rate center.

Notice at 1-2. The FCC specifically requested comment on the issues raised in the Maine Petition's request for authority to implement various area code conservation measures. Notice at 2.

The OCA and OPA support the Maine Petition and submits that the FCC should allow the Maine Public Utilities Commission ("MPUC"), and other state commissions, additional authority to implement number conservation measures. In support, the OCA and OPA file these Comments.

¹ The OCA worked with many other parties through the Number Resource Optimization Working Group ("NRO-WG") to develop the initial report later approved by NANC.

II. Summary

The OCA and OPA submit that the FCC should quickly take action to forestall or eliminate the premature exhaust of the North American Numbering Plan (“NANP”), and slow the introduction of new area codes as the costs to consumers increase rapidly with each successive area code application. The NANP allows customers to be called throughout the United States by a three digit area code and a seven digit telephone number. As area codes continue to be applied at a rapid rate, this numbering system is at risk. The OCA and OPA recognize that the rapid growth in demand for new area codes is a symptom of underlying inefficiencies in the manner in which numbering resources are currently allotted. If these inefficiencies continue, the long-term viability of the NANP could be undermined. The OCA and OPA further submit that the restrictions the FCC has placed upon state actions in this area have had a chilling effect on states. This has hurt conservation efforts on a national basis and increased the need for speedy action in order to implement effective number conservation actions.

With the accelerating growth of multiple providers under the Telecommunications Act of 1996 (“the Act”), the traditional mode of assigning telephone numbers in blocks of 10,000 for each carrier is forcing a rapid, unnecessary and costly depletion of telephone numbers across the country. Many consumers have expressed their outrage that area codes have proliferated with little apparent management or control. The costs to consumers, as a result of this lack of effective controls, in terms of the addition of new area codes or the implementation of 10 digit dialing, cannot be understated. The OCA and OPA submit that the industry must deal with the serious area code problem that exists in an expeditious and thorough manner in order to complete national pooling and other solutions as soon as possible. The OCA and OPA submit that the longer the area code crisis

is left unresolved, the greater jeopardy the NANP is placed in and the higher the cost becomes to consumers.

III. Comments

A. Need to Control Area Code Proliferation Through Usage of Number Optimization Methods.

The Act gives the FCC “exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States.” 47 U.S.C. §251(e)(1). However, through the Order released by the FCC in Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996,² the FCC has delegated to state commissions portions of its number administration authority, particularly, the authority to implement area code relief. The OCA and OPA submit that the FCC should allow the MPUC authority to perform number optimization procedures in compliance with any guidelines or national rules established in an attempt to increase the efficiency of the use of telephone numbers within existing area codes.

The practice that exists today of assigning numbers, by full central office codes rather than by portions of NXXs³ or even individual telephone numbers, to meet new service providers’ demand for numbers, threatens to exhaust existing area codes much sooner than prior projections by the

² Id., Memorandum Opinion and Order and Order on Reconsideration, FCC 98-224, CC Docket No. 96-98, NSD File No. L-97-42 (rel. September 28, 1998)(“Pennsylvania Order”).

³ An NXX is the number of an exchange; i.e., a block of 10,000 numbers in an area code.

North American Numbering Plan Administrator. The OCA and OPA support the Maine Petition's request for authority to use number optimization methods such as Thousand Block Pooling⁴ and Interim Unassigned Number Porting⁵ in conjunction with establishing number assignment and utilization standards.

In support of this, the OCA and OPA submit that between 1961 and December, 1994 the number of assigned area codes increased from 118 to only 134; however, between December, 1994 to January, 1998 the assigned area codes increased from 134 to 235.⁶ This accelerating addition of area codes was addressed by Mr. Alan Hasselwander, Chairman of the North American Numbering Council, in an address to the Numbering Solutions 1998 Seminar. In that address he explained:

To say we have reached a crisis in numbering in the US is probably too strong a statement. But we are approaching a crisis, and one will occur if effective action is not taken now. Many states have and are facing a frequency of NPA exhaust unknown in the past, and commissions are taking the heat that goes with the costs imposed on consumers by number exhaust.

The OCA and OPA submit that Mr. Hasselwander is correct that we are at least approaching a

⁴ Thousands Block Pooling involves the allocation of blocks of sequential telephone numbers within the same NXX to different service providers and potentially different switches which serve customers within the same rate area. All 10,000 numbers within each NXX continue to be assigned to one rate area, but are allocated among multiple service providers at the 1,000 block level.

⁵ Unassigned Number Porting is a telephone number sharing and/or optimization method where available telephone numbers in one service provider's inventory are ported using Location Routing Number (LRN) to another service provider under the direction of a neutral third party coordinator.

⁶ Where Have All the Numbers Gone? Long-term Area Code Relief Policies and the Need for Short-term Reform, Economics and Technology, Inc. prepared for The Ad Hoc Telecommunications Users Committee and International Communications Association, March, 1998 at 3 ("ETI Study").

numbering crisis, if we are not already in one. Thousands Block Pooling and Unassigned Number Porting would be an effective means of resolving the need for additional area codes in many circumstances and provide relief for consumers from continued area code changes.

The OCA and OPA also submit that the costs of frequent area code changes upon consumers are substantial and could be avoided by the use of number optimization methods in many instances. A change in a consumer's area code often requires notifying friends and businesses of that change, and also reprinting stationery, advertising, etc. If callers are not aware of a new telephone number, important calls may not be completed. Reprogramming calling data bases and alarm monitoring devices can also be expensive. The cost of reprogramming network equipment for telecommunications carriers are also considerable. Thus, there are real costs imposed upon the public as a result of area code changes and the MPUC should be applauded for its efforts in conserving this resource.

According to the MPUC, these economical and societal costs of area code proliferation are significant because tourism is one of the most important industries in Maine and the impact an area code change can have on that industry would be detrimental to Maine's economy. Additionally, the MPUC states that consumers in Maine have already indicated their discontent with numbering issues when the MPUC ordered 11 digit dialing in 1994 as part of the Interchangeable Numbering Plan Area Code structure adopted by the FCC. After that Order, the MPUC received a 'flurry of communications from discontented customers' which caused the MPUC to grant a request for reconsideration of that order and adopt 7 digit dialing instead.⁷

⁷ Maine Petition, footnote 1.

B. Need to Control Area Code Proliferation Through Number Assignment and Utilization Standards.

The OCA and OPA support the Maine Petition's request for authority to establish number assignment and utilization standards in an effort to achieve more efficient allocation and use of numbering resources. The OCA has frequently cautioned that whatever number conservation measures are implemented, either on a short-term or long-term basis, successful number administration requires more stringent standards for allocating numbers, as well as more effective enforcement, to ensure that the standards are met. The OCA and OPA submit that a carrier should be required to demonstrate that its existing numbering inventory is inadequate to provide service to customers or that it has to rely on costly measures to supply service before it can receive a new NXX. The OCA and OPA concur with the Maine Petition that, at a minimum, carriers should be required to maximize the use of an NXX before another NXX is assigned. The OCA and OPA further submit that greater controls should be placed on the ability to reserve numbers which would further serve to make more telephone numbers available in lieu of opening a new NXX. Controls on number reservations should also include effective auditing to ensure compliance with number assignment and utilization requirements as well as high "fill rates" so that most of the NXX could be utilized.

The OCA and OPA submit that it is a fundamental premise that a substantial contributing factor to the pending exhaust of the NANP is the lack of uniform, planned and conservation minded set of requirements for the reservation of telephone numbers. This lack of requirements has led to inconsistent assignment and inefficient utilization of numbering resources throughout the NANP which contributes to consumers expressing their outrage that area codes have proliferated with little

apparent management or control. The unrestricted manner by which telephone numbers can be reserved by service providers increases the exhaust of area codes and should cause great concern to the optimization of telephone number usage. The OCA and OPA submit that all numbering conservation measures proposed would be of little value if carriers or customers were able to hoard or warehouse (also known as stockpile or bank) telephone numbers which is possible if there are no effective controls on the process by which telephone numbers can be reserved.

Therefore, the OCA and OPA support the Maine Petition's request for authority to adopt enforcement mechanisms and auditing requirements to achieve more efficient allocation and use of numbering resources. In particular, the OCA and OPA submit that the MPUC should be allowed to establish fill rates and needs-based criteria for the acquisition of additional codes. The MPUC should also be allowed to establish mandatory number utilization reporting requirements and procedures to audit carrier utilization reports. Finally, the MPUC should be able to reclaim codes which are being used in violation of FCC guidelines or state law including codes that have not been put in service within the time provided.

C. State Role In Number Optimization Implementation

The OCA and OPA further submit that number optimization methods, such as Thousands Block Pooling, Unassigned Number Porting and Rate Center Consolidation,⁸ should be subject to only general federal guidelines as approved by the FCC. Such guidelines should not restrict states in their implementation of number conservation methods but allow states to use the methods best geared toward resolving their local concerns leaving it entirely to the state commissions when and how to address their individual situations. The FCC should generally permit states to implement number optimization methods where states decide this is appropriate. Additionally, in response to the FCC's Pennsylvania Order involving area code relief, the OCA and OPA submit that states should not be forced to individually petition and wait for the Commission to act before any number optimization actions are permitted. If guidelines are developed in advance, such methods would then be available for state use whenever any such request is made. Implementation of these number conservation measures would increase efficiency and competitiveness in the telecommunications marketplace and should not be delayed until jeopardy or near-jeopardy situations appear.

Additionally, the OCA and OPA caution against FCC guidelines that would unduly restrict how number optimization measures can be implemented. States should be able to customize these optimization efforts to their own unique circumstances. In Maine, according to the MPUC, these unique circumstances include the state's rural nature with more than 220 rate centers but many of

⁸ Rate Center Consolidation suggests that the number of rate centers could be reduced by combining or collapsing several existing rate centers into fewer rate centers which would maintain both the current call-routing and call-rating methods. This assumes that an NPA/NXX code need not be used to identify more than one switch so that carriers that have more than one switch in a consolidated rate center can still be assigned NPA/NXX codes at the switch level.


which have less than a thousand lines. CLECs wishing to serve customers in these small rate centers do not need an entire NPA/NXX. Therefore, the OCA and OPA believe the MPUC should be allowed to determine what is best for it to relieve the strain on consumers created by the area code exhaust situation.

The OCA and OPA concur with the Maine Petition that, without additional authority, states are frustrated in efforts to timely address needed NPA relief before the costs to consumers increases. This authority needs to come in the form of both the ability to implement additional number optimization methods and to adopt enforcement mechanisms and audit requirements to achieve more efficient allocation and use of already existing numbering resources. The OCA and OPA concur with the Maine Petition that the increasing rate of number assignments is problematic and that states' ability to implement number conservation measures and to explore alternatives to the current inefficient number assignment process are necessary to adopt more effective area code relief. Therefore, the OCA and OPA support the Maine Petition's request for additional delegated authority to implement the measures discussed in the Petition to ensure more effective numbering resource utilization.

IV. Conclusion

The Pennsylvania Office of Consumer Advocate and the Maine Public Advocate Office request the FCC to review these Comments as it considers what actions to take concerning the Maine Public Utilities Commission's Petition for Additional Authority to Implement Number Conservation Measures. The OCA and OPA agree that the MPUC is in the best position to evaluate the specific circumstances in Maine and establish competitively-neutral criteria for the acquisition and utilization of number resources until the Commission promulgates specific requirements. The OCA and OPA also agree with the Maine Public Utilities Commission that these measures are necessary to ensure that sufficient numbering resources are available to all carriers actually providing facilities-based services within a specific rate center.

Respectfully submitted,



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IV. Conclusion

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I hereby certify that I have this day served a true copy of the foregoing document,
Joint Comments, upon parties of record in this proceeding.

Dated this 3rd day of May, 1999.

Respectfully submitted,



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